IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE NINETEENTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 10304 of 2004

Between:

Kamal Kumar, S/o. Late Nainilal,
R/o. R.K. Puram Malkajgiri, R.R. District.

..... PETITIONER

AND

1 The Station House Officer, Neeramet Police Station, Neeradmet, R.R. District.
2 The Commissioner of Police, Cyberabad, Hyderabad.

3. K.Nagalaskhmi, W/o. K. Venkateswara Rao, rep., by

G.P.A. holder M. Mutyala Rao, H.No.6-1-190/6,

Mehar Nivas, Padmarao Nagar, Secunderabad.

4. P. Trivikrama Rao, S/o. Late Laxmi Narasimham,

R/o. B-17, Air Port Colony, Begumpet, Hyderabad.

5. Smt. K.Savitri, W/o.Late K.Srinivasa Rao, rep. by

G.P.A. holder K.Sriram prasad, 29-1354/1,

Padmaraonagar, Neredmet, Secunderabad.

(Respondents 3 to 5 are impleaded in W.P.No.10304/2004

as per orders in W.P.M.P.No.15779/2004, dt.19.7.2004)

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to

issue a writ in the nature of Mandamus declaring the action of the respondent, in interfering/encouraging the antisocial elements to occupy the land of the petitioners family Sy.No. 276/4 in R.K. Puram as illegal and consequently direct the second respondent herein to take action on the administrative side against the first respondent for the abuse of power.

Counsel for the Petitioner : MR.J.C.FRANCIS

Counsel for the Respondents: GP FOR HOME

The Court made the following :

THE HON'BLE MS. JUSTICE G.ROHINI

WRIT PETITON NO.10304 OF 2004

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ORAL ORDER :

The petitioner who claims to be the legal heir of late Nainilal, who was the co-owner of the land admeasuring 13 acres situated in Survey Nos.276/1, 276/2, 276/3 and 274/2, filed this writ petition seeking a Writ of Mandamus declaring the alleged action of the respondents in interfering and encouraging anti-social elements to occupy the land belonging to the petitioner's family in Sy.No.276/4 of R.K.Puram village, Malkajgiri Mandal, R.R. District is arbitrary and illegal.

In the affidavit filed in support of the writ petition, it is stated that the third parties who

have formed a bogus society are contemplating to encroach upon the land of the petitioner and in the circumstances he approached the Station House Officer, Neredmet Police Station, Neredmet, R.R. District on 29-05-2004 seeking necessary assistance to protect his possession. It is alleged that the respondent instead of helping the petitioner and his family members encouraged the anti-social elements to occupy the land in question. In the circumstances, this Writ Petition is filed alleging that the action of the respondent in interfering with the civil disputes is arbitrary and illegal.

On behalf of the respondents, the Sub-Inspector of Police, Neredmet P.S. filed a counter-affidavit denying all the allegations made by the petitioner. It is stated that the petitioner filed complaints dated 29-05-2004 and 18-06-2004 in the office of the second respondent and the same were forwarded to the Sub-Inspector of Police for enquiry and necessary action. Accordingly, the Sub-Inspector of Police caused enquiries into the same and found that the allegations are false and that the matter purely involves civil dispute between the petitioner and the third parties. Hence, no action was taken in the matter. It is also stated that the respondents have never interfered with the civil disputes of the petitioner with the alleged third parties at any point of time nor encouraged the anti-social elements in any matter.

The averments of the respondents in the counter-affidavit stood unrebutted since the petitioner did not choose to file any reply affidavit contradicting the same. In view of the specific stand taken by the respondents denying the allegations made by the petitioner, no further adjudication is necessary in the writ petition.

Accordingly, the Writ Petition is closed recording the statement of the respondent that he has not interfered with the civil disputes of the petitioner with the third parties and that he has not encouraged the anti-social elements in any manner. No costs.

It is made clear that this shall not preclude the petitioner to initiate appropriate proceedings afresh in case necessity thereof arises.

19th July, 2004.

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To

1 The Station House Officer, Neeramet Police Station, Neeradmet, R.R. District.
2 The Commissioner of Police, Cyberabad, Hyderabad.

3 .2CCs to G.P. for Home, High Court Bldgs, Hyderabad (OUT).

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